

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC.,)	<u>REDACTED PUBLIC VERSION</u>
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1371-JJF
)	
FAIRCHILD SEMICONDUCTOR)	
INTERNATIONAL, INC., and FAIRCHILD)	
SEMICONDUCTOR CORPORATION,)	
)	
Defendants.)	

**DECLARATION OF DR. PETER GWOZDZ IN SUPPORT OF
DEFENDANTS' REBUTTAL CLAIM CONSTRUCTION BRIEF**

ASHBY & GEDDES
Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Lauren E. Maguire (I.D. #4261)
222 Delaware Avenue
17th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
lmauguire@ashby-geddes.com

Attorneys for Defendants
FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC. and FAIRCHILD
SEMICONDUCTOR CORPORATION

Of Counsel:

G. Hopkins Guy, III
Vickie L. Feeman
Bas de Blank
Brian H. VanderZanden
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
(650) 614-7400

Dated: January 23, 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC., a Delaware corporation,

Plaintiff,

v.

FAIRCHILD SEMICONDUCTOR INTERNATIONAL, INC., a Delaware corporation, and FAIRCHILD SEMICONDUCTOR CORPORATION, a Delaware corporation,

Defendants.

C.A. No. 04-1371

DECLARATION OF DR. PETER GWOZDZ IN SUPPORT OF DEFENDANTS' REBUTTAL CLAIM CONSTRUCTION BRIEF

I, Peter Gwozdz, the undersigned, declare as follows:

1. I have been engaged as an expert by Defendants Fairchild Semiconductor International, Inc. and Fairchild Semiconductor Corp. (collectively, "Fairchild") to provide opinions on issues related to U.S. Patent No. 4,811,075. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. Attached as Exhibit A is true and correct copy of my Rebuttal Expert Report.

This Rebuttal Expert Report accurately sets forth and reflects my opinions.

3. Attached as Exhibit B is a true and correct copy of the tutorial which I attached to my Rebuttal Expert Report. This tutorial accurately sets forth and reflects my opinions.

4. The Colak reference, like the '075 Patent, claims a device structure, not a process for making that structure. Nothing in the Colak reference requires the claimed DMOS structure to be "constructed with two sequential diffusions through the same opening" as Power Integration's expert, Mike Shields, suggests.

5. In 1988 the "DMOS" structure was commonly understood as it is today. Since more than one process was available to form DMOS at that time, one of ordinary skill in the art would not have defined DMOS as requiring successive diffusions through the same opening.

6. The Sze reference describes more than one process for forming a DMOS structure.

7. I disagree with Mr. Shields' statement in his declaration in support of Power Integrations' Opening Claim Construction Brief regarding "said top layer" not being ambiguous. One of ordinary skill in the art would find the term "said top layer" lacking antecedent basis, and would not necessarily understand it to refer to the "surface adjoining layer."

8. I further disagree with Mr. Shields' assertion regarding the term "subject to application of a reverse-bias voltage." One of ordinary skill in the art would not understand this limitation to refer to connecting the top layer and the substrate together for the purpose of "grounding." Therefore, it is not accurate to construe "subject to application of a reverse-bias voltage" to mean that "the surface adjoining layer of material and the substrate recited in the claims are connected in some way to 'ground'"

9. Attached as Exhibit C is a true and correct copy of relevant portions of the prosecution history of the '075 Patent.

10. Attached as Exhibit D is a true and correct copy of the Colak reference cited by the examiner.

11. Attached as Exhibit E is a true and correct copy of the Sze reference cited by the examiner.

12. Attached as Exhibit F is a true and correct copy of the Pocha reference referred to in the Colak reference.

13. Attached as Exhibit G is a true and correct copy of the Parpia reference.

I declare the foregoing is true and correct under penalty of perjury under the laws of the
United States of America.

Executed on January 17, 2006 in Cupertino, California.



Dr. Peter S. Gwozdz

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of January, 2006, the attached **REDACTED**
PUBLIC VERSION OF DECLARATION OF DR. PETER GWOZDZ IN SUPPORT OF
DEFENDANTS' REBUTTAL CLAIM CONSTRUCTION BRIEF was served upon the
below-named counsel of record at the address and in the manner indicated:

William J. Marsden, Jr., Esquire
Fish & Richardson P.C.
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899

HAND DELIVERY

Frank E. Scherkenbach, Esquire
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

VIA FEDERAL EXPRESS

Michael Kane, Esquire
Fish & Richardson P.C.
60 South Sixth Street
3300 Dain Rauscher Plaza
Minneapolis, MN 55402

VIA FEDERAL EXPRESS

Howard G. Pollack, Esquire
Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063

VIA FEDERAL EXPRESS

/s/ Lauren E. Maguire

Lauren E. Maguire